

EXHIBIT A

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County of San Joaquin
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

BARRY FENTON, an individual,

Plaintiff,

vs.

**AMAZON.COM SERVICES, LLC, a limited
liability corporation, and DOES 1-100,
inclusive,**

Defendants.

Case No.: STK-CV-UOE-2023-0000364

COMPLAINT FOR DAMAGES FOR:

- 1. SEXUAL ORIENTATION
HARASSMENT**
- 2. DISABILITY HARASSMENT**
- 3. FEHA RETALIATION**
- 4. LABOR CODE RETALIATION**
- 5. FAILURE TO PREVENT
DISCRIMINATION AND
HARASSMENT**

JURY TRIAL DEMANDED

Plaintiff Barry Fenton brings this action against Defendants Amazon.com Services, LLC, and Does 1-100 for violations of the California Fair Employment and Housing Act and the California Labor Code.

PARTIES

1. Barry Fenton ("Fenton" or "Plaintiff") is and was at all times relevant herein an individual and was an employee as defined by the Fair Employment and Housing Act ("FEHA") and the California Labor Code.

2. Amazon.com Services, LLC ("Amazon") is and was at all times relevant herein a limited liability corporation doing business in California, and was an employer as defined by the FEHA and the California Labor Code.

3. Amazon and Does 1-100 are collectively referred to herein as Defendants.

4. Plaintiff is not aware of the true names and capacities of the Defendants sued herein as Does 1 through 100, whether individual, corporate, associate, or otherwise and therefore sue such Defendants by these fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and on that basis alleges, that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged and that Plaintiff's injuries and damages herein alleged were legally caused by such Defendants. Unless otherwise indicated, each Defendant was acting within the course and scope of said agency and/or employment, with the knowledge and/or consent of said co-Defendant.

5. Plaintiff is informed and believes and thereupon alleges that at all times mentioned herein, each of the Defendants, including each Doe Defendant, was acting as the agent, servant, employee, partner and/or joint venturer of and was acting in concert with each of the remaining Defendants, including each Doe Defendant, in doing the things herein alleged, while at all times acting within the course and scope of such agency, service, employment partnership, joint venture and/or concert of action. Each Defendant, in doing the acts alleged herein, was acting both individually and within the course and scope of such agency and/or employment, with the knowledge and/or consent of the remaining Defendants.

VENUE AND JURY TRIAL DEMAND

6. Venue is proper in this Court because unlawful acts as to Plaintiff alleged herein took place in San Joaquin County. Plaintiff hereby demands a jury trial.

GENERAL ALLEGATIONS

7. Plaintiff was employed by Amazon from approximately January 10, 2022, through February 19, 2022, at Amazon's Stockton, California warehouse as a non-exempt, hourly warehouse employee.

8. During all times relevant herein, Plaintiff suffered (and continues to suffer) from stress, anxiety, and bipolar disorder which was diagnosed in approximately 2016 and which constitutes a disability within the meaning of the FEHA.

1 9. Plaintiff has treated his disability with prescription medication that he was required to
2 take at times during his work shifts with Amazon.

3 10. Plaintiff's condition manifests itself physically through occasional, but noticeable, tics
4 that were a side-effect of his medication.

5 11. Throughout his employment with Amazon, Plaintiff was qualified for his position with
6 or without reasonable accommodation.

7 12. Plaintiff is bisexual and has a visible rainbow star tattoo on his arm observable and
8 which was observed by his co-workers and supervisors.

9 13. Beginning early in his tenure with Amazon, Plaintiff was repeatedly harassed because of
10 his disability and sexual orientation principally by three co-workers, "Robert", "Fabian", and "Rudy."

11 14. On nearly a daily basis, these three co-workers berated Plaintiff using derogatory terms
12 including "faggot", "chub", "homo", "queer", "dick sucker", and "mental retard."

13 15. On at least one occasion, these co-workers approached Plaintiff and asked if he did
14 drugs, offering to partake in drug use with him, including smoking marijuana. Plaintiff responded that
15 he was a recovering drug addict and did not engage in recreational drug use.

16 16. Having observed Plaintiff take his prescription medication at work, his co-workers
17 ridiculed him saying, "You can take your drugs, but you can't take ours?"

18 17. Plaintiff's co-workers also threatened that if Plaintiff reported their conduct toward him
19 to anyone, that they would follow him home, and told him they knew what vehicle he drove.

20 18. The harassment by Plaintiff's co-workers was both severe and pervasive and was on the
21 basis of Plaintiff's sexual orientation and his disability.

22 19. Shortly after the harassment started, Plaintiff reported his co-worker's conduct to his
23 supervisor, "John", who was a Process Assistant for Amazon. Plaintiff informed John that his co-
24 workers had been calling him a "faggot" and other derogatory names, had ridiculed him for taking his
25 prescription medication at work, and had threatened to harm him if he reported their conduct.

26 20. In response, John told Plaintiff not to worry about it and that if the harassment happened
27 again, Plaintiff should tell his co-workers to stop. John took no further action with respect to Plaintiff's
28

1 complaint of harassment and the threat to his safety and took no steps to address Plaintiff's co-worker's
2 unlawful conduct.

3 21. Plaintiff's co-workers' harassment of Plaintiff continued unabated. Plaintiff's co-
4 workers continued to ridicule him, call him derogatory names, and started to pull "pranks" on him such
5 as hiding his work sweatshirt.

6 22. Approximately two days after reporting his co-worker's conduct to John, Plaintiff
7 suffered a panic attack at work and spoke with his direct supervisor, "Sylvia" about the harassment he
8 was being subjected to by his co-workers, including that they were calling him "faggot", "retard" and
9 other derogatory names and ridiculed him for taking his prescription medication at work. Plaintiff
10 requested that Sylvia move him to a different department to get away from his harassers.

11 23. In response, Sylvia told Plaintiff to contact Amazon's on-site HR representative,
12 "Janet."

13 24. Plaintiff spoke with Janet and relayed to her the same complaints of harassment he had
14 made to Sylvia and John. In response, Janet told Plaintiff that he should speak with Sylvia—which he
15 already had done. Like Plaintiff's supervisors, Janet took no action to address Plaintiff's complaint or
16 the harassment he had reported.

17 25. The following day, Sylvia moved Plaintiff to a new spot, which was a mere 20 feet away
18 from his prior worksite and completely accessible to his harassers. Indeed, Plaintiff's harassers
19 continued with their harassment unabated.

20 26. Plaintiff again complained to Sylvia that he was still being harassed by his co-workers
21 and again requested to be moved to a different department.

22 27. In response, Sylvia told Plaintiff that, because he was still a probationary employee, she
23 could not move him to a different department and he would need to speak with Janet in HR.

24 28. That day, Plaintiff spoke with Janet and requested to be moved to a different department
25 to prevent further harassment from his co-workers.

26 29. Like Sylvia, Janet responded that because Plaintiff was a probationary employee he
27 could not be moved.
28

1 30. Two days later, Amazon having done nothing whatsoever to address the harassment to
2 which Plaintiff was being subjected, Plaintiff once again complained to Sylvia about his co-workers'
3 harassing conduct and questioned why nothing was being done to address his complaints.

4 31. Sylvia responded by saying to Plaintiff, "If they are not stopping, it's because you are
5 showing them you're weak." Sylvia additionally stated that employment at Amazon was a "numbers
6 game," that she was only concerned with meeting her set productivity quotas, and that she was not
7 going to do anything about the harassing conduct unless she personally observed the harassment
8 herself. Sylvia concluded by telling Plaintiff to go to HR again if he wanted to.

9 32. By this time, Amazon having made clear that it would do nothing to address the ongoing
10 harassment to which Plaintiff was being subjected on an ongoing basis, no reasonable person would
11 have continued their employment under those conditions. Plaintiff had no reasonable choice but to
12 leave his employment and was constructively terminated by Amazon.

13 33. On the day of his constructive termination, Plaintiff spoke with Janet, telling her that he
14 could no longer handle the harassing environment and lack of any attempt by Amazon to address the
15 harassment and that, as a result, and due to the exacerbation of his existing mental condition Amazon's
16 hostile work environment was causing, he had no choice but to leave his employment.

17 34. Plaintiff's employment was constructively terminated on or about February 19, 2022.

18 35. Plaintiff is informed and believes that Amazon's HR department falsely reported that
19 Plaintiff was leaving his position for another job opportunity to cover up the harassment and Amazon's
20 failure to prevent same.

21 36. Despite the multitude of reports by Plaintiff to his supervisors and HR at Amazon of
22 unlawful harassment, about which Amazon knew or reasonably should have known, Amazon failed to
23 take all reasonable steps to prevent the harassment from occurring.

24 37. On September 30, 2022, Plaintiff filed a complaint with the Department of Fair
25 Employment and Housing against Defendants, alleging that Defendants discriminated against,
26 harassed, and failed to prevent discrimination and harassment against Plaintiff in violation of the
27 FEHA. A right to sue notice was issued to Plaintiff the same day, a copy of which was served on
28 Defendants by certified mail on September 30, 2022.

38. On January 11, 2023, Plaintiff filed an amended DFEH complaint to include allegations that Defendants retaliated against Plaintiff. A copy of Plaintiff's amended DFEH complaint was served on Defendants by certified mail on January 11, 2023.

FIRST CAUSE OF ACTION
VIOLATION OF GOVERNMENT CODE SECTION 12940(j)
(Sexual Orientation Harassment)
Against Defendants

39. Plaintiff hereby realleges and incorporates by reference each and every allegation set forth above as though fully set forth herein, except as said paragraphs are inconsistent with the allegations of this cause of action.

40. The FEHA explicitly prohibits any employer or any other person from harassing an employee because of their sexual orientation. Gov. Code §12940(j). The FEHA provides that an employer is strictly liable for harassment by supervisors, even if it exercised reasonable care to prevent harassment. The FEHA further provides that harassment by an employee, other than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors, knows of the conduct and fails to take immediate and appropriate corrective action. *Id.* Moreover, an employee of an entity is also personally liable for any prohibited harassment that is perpetrated by the employee, regardless of whether the employer or covered entity knows or should have known of the conduct and fails to take immediate corrective action. Gov. Code §12940(j)(3).

41. Defendants were at all times relevant herein Plaintiff's pursuant to Government Code sections 12926(d), 12940(j)(3), and 12940(j)(4) and were therefore barred from harassing their employees or failing to take immediate and appropriate corrective action in violation of Government Code section 12940(j).

42. Nevertheless, as set forth above, Defendants harassed Plaintiff on the basis of his sexual orientation in violation of Government Code section 12940(j).

43. Defendants' conduct, as set forth above, created an abusive and hostile working environment that was sufficiently severe and pervasive as to alter the conditions of Plaintiff's employment in violation of Government Code section 12940(j). Defendants harassed Plaintiff and/or failed to take immediate and appropriate corrective action.

44. As a direct and proximate result of Defendants' conduct, Plaintiff has been harmed and requests relief as hereafter provided.

SECOND CAUSE OF ACTION
VIOLATION OF GOVERNMENT CODE SECTION 12940(m)
(Disability Harassment)
Against All Defendants

45. Plaintiff hereby realleges and incorporates by reference each and every allegation set forth herein, except as said paragraphs are inconsistent with the allegations of this cause of action.

46. The FEHA explicitly prohibits any employer or any other person from harassing an employee because of their physical or mental disability. Gov. Code §12940(j). The FEHA provides that an employer is strictly liable for harassment by supervisors, even if it exercised reasonable care to prevent harassment. The FEHA further provides that harassment by an employee, other than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors, knows of the conduct and fails to take immediate and appropriate corrective action. *Id.* Moreover, an employee of an entity is also personally liable for any prohibited harassment that is perpetrated by the employee, regardless of whether the employer or covered entity knows or should have known of the conduct and fails to take immediate corrective action. Gov. Code §12940(j)(3).

47. Defendants were at all times relevant herein Plaintiff's employer pursuant to Government Code sections 12926(d), 12940(j)(3), and 12940(j)(4) and were therefore barred from harassing their employees or failing to take immediate and appropriate corrective action in violation of Government Code section 12940(j).

48. Nevertheless, as set forth above, Defendants harassed Plaintiff on the basis of his disability in violation of Government Code section 12940(j).

49. Defendants' conduct, as set forth above, created an abusive and hostile working environment that was sufficiently severe and pervasive as to alter the conditions of Plaintiff's employment in violation of Government Code section 12940(j). Defendants harassed Plaintiff and/or failed to take immediate and appropriate corrective action.

50. As a direct and proximate result of Defendants' conduct, Plaintiff has been harmed and requests relief as hereafter provided.

THIRD CAUSE OF ACTION
VIOLATION OF GOVERNMENT CODE SECTION 12940(h)
(FEHA Retaliation)
Against All Defendants

51. Plaintiff hereby realleges and incorporates by reference each and every allegation set forth above as though fully set forth herein, except as said paragraphs are inconsistent with the allegations of this cause of action.

52. Government Code section 12940(h) prohibits an employer from retaliating against an employee for opposing forbidden practices under the FEHA. Such opposition includes making complaints to a supervisor of what an employee believed in good faith to be violations of the FEHA. *Yanowitz v. L'Oreal USA, Inc.* (2005) 36 Cal.4th 1028.

53. As set forth above, Defendants were Plaintiff's employer and retaliated against Plaintiff for his complaints of sexual orientation and disability harassment by permitting, acquiescing to, condoning, and ratifying the harassment suffered by Plaintiff resulting in Plaintiff's constructive termination, which constitutes an adverse employment action for purposes of retaliation claims under the FEHA. *Kelley v. The Conoco Companies* (2011) 196 Cal.App.4th 191, 212.

54. As a direct and proximate result of Defendants' conduct, Plaintiff has been harmed and requests relief as hereafter provided.

FOURTH CAUSE OF ACTION
VIOLATION OF LABOR CODE SECTION 1102.5
(Labor Code Retaliation)
Against All Defendants

55. Plaintiff hereby realleges and incorporates by reference each and every allegation set forth above as though fully set forth herein, except as said paragraphs are inconsistent with the allegations of this cause of action.

56. Labor Code section 1102.5(b) prohibits an employer from retaliating against an employee for having disclosed information to a person with authority over the employee or to

1 another employee with authority to investigate, discover or correct a violation of or noncompliance
2 with a local, state, or federal rule or regulation.

3 57. As set forth above, on numerous occasions, Plaintiff disclosed to his supervisors and
4 Defendants Human Resources representative that he was being harassed in violation of the Fair
5 Employment and Housing Act, i.e., California state law.

6 58. Nonetheless, Defendants, who were Plaintiff's employer within the meaning of
7 Labor Code section 1102.5, retaliated against Plaintiff by permitting, acquiescing to, condoning,
8 and ratifying Plaintiff's ongoing harassment resulting in Plaintiff's constructive termination, which
9 acts constitute retaliation for purposes of both the FEHA and Labor Code section 1102.5. *Patten v.*
10 *Grant Joint Union High School Dist.* (2005) 134 Cal.App.4th 1378 (disapproved of on other
11 grounds in *Lawson v. PPG Architectural Finishes, Inc.* (2022) 12 Cal.5th 703.

12 59. As a direct and proximate result of Defendants' conduct, Plaintiff has been harmed
13 and requests relief as hereafter provided.

14
15 **FIFTH CAUSE OF ACTION**
16 **VIOLATION OF GOVERNMENT CODE SECTION 12940(k)**
17 **(Failure to Prevent Harassment and Retaliation)**
18 **Against All Defendants**

19 60. Plaintiff hereby realleges and incorporates by reference each and every allegation
20 set forth above as though fully set forth herein, except as said paragraphs are inconsistent with the
21 allegations of this cause of action.

22 61. The FEHA requires an employer to take all reasonable steps necessary to prevent
23 discrimination, harassment, and retaliation from occurring. Gov. Code § 12940(k).

24 62. Defendants at all times relevant herein were Plaintiff's employer pursuant to
25 Government Code section 12926(d) and were therefore required to prevent harassment and
26 retaliation pursuant to Government Code section 12940(k).

27 63. Defendants knew or should have known of the harassment and retaliation but did
28 nothing to prevent it. Instead, Defendants encouraged, permitted and/or acquiesced to the

1 harassment. Consequently, Defendants failed to take all reasonable steps to prevent the
2 discrimination from occurring in violation of Government Code section 12940(k).

3 64. As a direct and proximate result of Defendants' conduct, Plaintiff has been harmed
4 and requests relief as hereafter provided.

5 **PRAYER FOR RELIEF**


6 WHEREFORE, Plaintiff prays judgment against Defendants as follows:

- 7 1. That this Court award actual, compensatory, special, and general damages, in an
8 amount yet unknown;
- 9 2. That this Court award statutory attorneys' fees and costs, including those available
10 under Government Code section 12965(b) and Labor Code section 1102.5(j);
- 11 3. That this Court award a civil penalty of \$10,000 pursuant to Labor Code section
12 1102.5(f);
- 13 4. That this Court award prejudgment and post-judgment interest according to any
14 applicable provision of law or as otherwise permitted by law, including that
15 available under Civil Code sections 3287(a) and 3289(b);
- 16 5. That this Court award such other and further relief as the Court deems just and
17 proper.

18 **DATED:** January 18, 2023

MAYALL HURLEY P.C.

19
20 By _____


21 VLADIMIR J. KOZINA
22 Attorneys for Plaintiff
23 BARRY FENTON
24
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28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Vladimir J. Kozina (SBN: 284645) Mayall Hurley, P.C., 2453 Grand Canal Boulevard, Stockton, CA 95207 TELEPHONE NO.: (209) 477-3833 FAX NO. (Optional): (209) 473-4818 E-MAIL ADDRESS: vjkozina@mayallaw.com ATTORNEY FOR (Name): Plaintiff Barry Fenton		FOR COURT USE ONLY Electronically Filed Superior Court of California County of San Joaquin 2023-01-18 11:32:38 Clerk: Bernique Mimmitt
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN STREET ADDRESS: 180 E. Weber Avenue MAILING ADDRESS: 180 E. Weber Avenue CITY AND ZIP CODE: Stockton 95202 BRANCH NAME: Civil		
CASE NAME: Fenton v. Amazon.com Services, LLC, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	

Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: STK-CV-UOE-2023-0000364 JUDGE: DEPT.:
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Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
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3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): FIVE (5)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 18, 2023
 Vladimir J. Kozina

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

<p>Auto Tort</p> <p>Auto (22)—Personal Injury/Property Damage/Wrongful Death</p> <p>Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p>Asbestos (04)</p> <p>Asbestos Property Damage</p> <p>Asbestos Personal Injury/ Wrongful Death</p> <p>Product Liability (<i>not asbestos or toxic/environmental</i>) (24)</p> <p>Medical Malpractice (45)</p> <p>Medical Malpractice—Physicians & Surgeons</p> <p>Other Professional Health Care Malpractice</p> <p>Other PI/PD/WD (23)</p> <p>Premises Liability (e.g., slip and fall)</p> <p>Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)</p> <p>Intentional Infliction of Emotional Distress</p> <p>Negligent Infliction of Emotional Distress</p> <p>Other PI/PD/WD</p> <p>Non-PI/PD/WD (Other) Tort</p> <p>Business Tort/Unfair Business Practice (07)</p> <p>Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)</p> <p>Defamation (e.g., slander, libel) (13)</p> <p>Fraud (16)</p> <p>Intellectual Property (19)</p> <p>Professional Negligence (25)</p> <p>Legal Malpractice</p> <p>Other Professional Malpractice (<i>not medical or legal</i>)</p> <p>Other Non-PI/PD/WD Tort (35)</p> <p>Employment</p> <p>Wrongful Termination (36)</p> <p>Other Employment (15)</p>	<p>Contract</p> <p>Breach of Contract/Warranty (06)</p> <p>Breach of Rental/Lease</p> <p>Contract (<i>not unlawful detainer or wrongful eviction</i>)</p> <p>Contract/Warranty Breach—Seller Plaintiff (<i>not fraud or negligence</i>)</p> <p>Negligent Breach of Contract/Warranty</p> <p>Other Breach of Contract/Warranty</p> <p>Collections (e.g., money owed, open book accounts) (09)</p> <p>Collection Case—Seller Plaintiff</p> <p>Other Promissory Note/Collections Case</p> <p>Insurance Coverage (<i>not provisionally complex</i>) (18)</p> <p>Auto Subrogation</p> <p>Other Coverage</p> <p>Other Contract (37)</p> <p>Contractual Fraud</p> <p>Other Contract Dispute</p> <p>Real Property</p> <p>Eminent Domain/Inverse Condemnation (14)</p> <p>Wrongful Eviction (33)</p> <p>Other Real Property (e.g., quiet title) (26)</p> <p>Writ of Possession of Real Property</p> <p>Mortgage Foreclosure</p> <p>Quiet Title</p> <p>Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)</p> <p>Unlawful Detainer</p> <p>Commercial (31)</p> <p>Residential (32)</p> <p>Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)</p> <p>Judicial Review</p> <p>Asset Forfeiture (05)</p> <p>Petition Re: Arbitration Award (11)</p> <p>Writ of Mandate (02)</p> <p>Writ—Administrative Mandamus</p> <p>Writ—Mandamus on Limited Court Case Matter</p> <p>Writ—Other Limited Court Case Review</p> <p>Other Judicial Review (39)</p> <p>Review of Health Officer Order</p> <p>Notice of Appeal—Labor Commissioner Appeals</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</p> <p>Antitrust/Trade Regulation (03)</p> <p>Construction Defect (10)</p> <p>Claims Involving Mass Tort (40)</p> <p>Securities Litigation (28)</p> <p>Environmental/Toxic Tort (30)</p> <p>Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)</p> <p>Enforcement of Judgment</p> <p>Enforcement of Judgment (20)</p> <p>Abstract of Judgment (Out of County)</p> <p>Confession of Judgment (<i>non-domestic relations</i>)</p> <p>Sister State Judgment</p> <p>Administrative Agency Award (<i>not unpaid taxes</i>)</p> <p>Petition/Certification of Entry of Judgment on Unpaid Taxes</p> <p>Other Enforcement of Judgment Case</p> <p>Miscellaneous Civil Complaint</p> <p>RICO (27)</p> <p>Other Complaint (<i>not specified above</i>) (42)</p> <p>Declaratory Relief Only</p> <p>Injunctive Relief Only (<i>non-harassment</i>)</p> <p>Mechanics Lien</p> <p>Other Commercial Complaint Case (<i>non-tort/non-complex</i>)</p> <p>Other Civil Complaint (<i>non-tort/non-complex</i>)</p> <p>Miscellaneous Civil Petition</p> <p>Partnership and Corporate Governance (21)</p> <p>Other Petition (<i>not specified above</i>) (43)</p> <p>Civil Harassment</p> <p>Workplace Violence</p> <p>Elder/Dependent Adult Abuse</p> <p>Election Contest</p> <p>Petition for Name Change</p> <p>Petition for Relief From Late Claim</p> <p>Other Civil Petition</p>
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